

# Agenda Item #10.A.



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

## BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

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DATE April 25, 2013

TO Board Members  
*Mark M. Ito*

FROM Mark M. Ito  
Licensing Program Analyst

SUBJECT Proposed Regulatory Action to Implement Assembly Bill 1588, Waiver of  
Renewal Requirements

### BACKGROUND

On September 29, 2012, Assembly Bill (AB) 1588 (Atkins, Chapter 472, Statutes of 2012), was signed by the Governor enacting Business and Professions (B&P) Code section 114.3. The legislation was effective January 1, 2013. This statute requires the Board of Vocational Nursing and Psychiatric Technicians (Board) to waive the license renewal requirements for any licensee who is called to active duty as a member of the United States Armed Forces or the California National Guard. The licensee would be restricted from engaging in any practice requiring a Vocational Nurse (VN) or Psychiatric Technician (PT) license. The licensee would also be required to provide written notification of his/her discharge within sixty (60) days of being discharged from active duty. Additionally, the licensee must complete the license renewal requirements within six (6) months after being discharged.

### PURPOSE

New regulations are needed to implement, interpret, and make specific the provisions of B&P Code section 114.3 by specifying procedures and forms to be used by licensees requesting exemption from the license renewal requirements. Attached to this report is proposed regulatory language to implement the statute. The Board's highest priority is the protection of the public and these proposed regulations are intended to implement B&P Code section 114.3 in a manner that will provide the greatest protection for the people of California.

### **Recommendations:**

1. The Board approve the regulatory proposal to amend Division 25 of Title 16, California Code of Regulations, to adopt section 2537.2 (VN Regulations); and adopt section 2590.2 (PT Regulations).
2. Direct staff to prepare a rulemaking file for notice and comment.
3. Authorize the Executive Officer to make changes consistent with the intent of the above proposal.

Attachment A – Proposed Regulatory Language

# Agenda Item #10.A - Attachment A

## Board of Vocational Nursing and Psychiatric Technicians Proposed Regulatory Language

### *Vocational Nursing Regulations*

Add Section 2537.2 to Article 6 of Division 25 of Title 16 of the California Code of Regulations to read as follows:

#### **§2537.2 Waiver of Renewal Requirements for Licensees on Active Duty.**

(a) Current licensees serving on active duty in the Armed Forces or California National Guard are exempt from the following license renewal requirements:

- (1) License renewal fee;
- (2) Continuing education requirement;
- (3) Fingerprint and disclosure requirements.

(b) Licensees must meet the following requirements in order to be exempt from the license renewal requirements set forth in Section 2537.2 (a):

- (1) Possess a current and active license with the Board when called to active duty;
- (2) Provide written documentation to the Board that substantiates the licensee's active duty service.

(c) Licensees who qualify for exemption from the license renewal requirements shall request a waiver by submitting to the Board a completed Armed Forces Personnel Application for Exemption from the License Renewal Requirements, Form xx (xx/xx/xxxx), which is hereby incorporated by reference.

(d) Licensees exempt from the license renewal requirements shall not engage in any practice that requires a vocational nursing license.

(e) The licensee shall provide written notification of his/her discharge within sixty (60) days of their discharge date.

(f) The licensee shall meet all of the license renewal requirements within six (6) months from the date of discharge from active duty service.

NOTE: Authority cited: Sections 114.3 and 2854, Business and Professions Code. Reference: Sections 2892, 2892.5 and 2895, Business and Professions Code.

## ***Psychiatric Technician Regulations***

Add Section 2590.2 to Article 6 of Division 25 of Title 16 of the California Code of Regulations to read as follows:

### **§2590.2 Waiver of Renewal Requirements for Licensees on Active Duty.**

(a) Current licensees serving on active duty in the Armed Forces or California National Guard are exempt from the following license renewal requirements:

- (1) License renewal fee;
- (2) Continuing education requirement;
- (3) Fingerprint and disclosure requirements.

(b) Licensees must meet the following requirements in order to be exempt from the license renewal requirements set forth in Section 2590.2 (a):

- (1) Possess of a current and active license with the Board when called to active duty;
- (2) Provide written documentation to the Board that substantiates the licensee's active duty service.

(c) Licensees who qualify for exemption from the license renewal requirements shall request a waiver by submitting to the Board a completed Armed Forces Personnel Application for Exemption from the License Renewal Requirements, Form xx (xx/xx/xxxx), which is hereby incorporated by reference.

(d) Licensees exempt from the license renewal requirements shall not engage in any practice that requires a psychiatric technician license.

(e) The licensee shall provide written notification of his/her discharge within sixty (60) days of the discharge date.

(f) The licensee shall meet all of the license renewal requirements within six (6) months from the date of discharge from active duty service.

NOTE: Authority cited: Sections 114.3 and 4504, Business and Professions Code. Reference: Sections 4517, 4544 and 4548 and Business and Professions Code.